

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	
)	
R. SHANE GREEN,)	
EDIN SARACEVIC,)	Examiner: JEFFREY R. SWEARINGEN
TARIK KURSPAHC, AND)	
MICHAEL D. SYLVESTER)	
)	Group Art Unit: 2145
Serial No.: 09/876,111)	
)	
Filing Date: June 8, 2001)	Confirmation No.: 8526
)	
For: SYSTEM, METHOD AND)	
COMPUTER PROGRAM PRODUCT)	
FOR A LOCATOR SERVICE)	

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
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REPLY BRIEF

Dear Sir:

Appellant files this Reply Brief in response to the Examiner's Answer mailed June 20, 2008. The headings in this Reply Brief correspond to the headings in the Appeal Brief to which Appellant's responses are directed. Appellant is also filing a Request for Oral Hearing with this Reply Brief. Please charge the associated fees to Deposit Account No. 50-0728.

VII. Argument

1. The Examiner Erred in Rejecting Claims 21-25, 29, 30, 32, 33, 35, 36, 38, 39, 41 as Being Anticipated by Hancock

In the Appeal Brief, Appellant argued that Hancock's code US.CA.NWB.MAC2 does not include the category sub-string and the sub-category sub-string as claimed. (Appeal Brief, page 11.) In response to this argument, the Examiner provided a second example of a code described in Hancock, namely US.GA.ALB.MACD. (Examiner's Answer, page 6.) This code refers to a McDonalds located in Albany, Georgia, US and has the same format as the previous code referring to a McDonalds located in Newport Beach, California, US. With respect to this new code, the Examiner stated that "[t]he McDonalds is the point of interest fitting the type in question – places within Albany GA." (Examiner's Answer, page 6.)

The claims include the element "wherein a fourth of said sub-strings of which a location code is comprised uniquely indicates a point of interest **of a type** corresponding to one of the plurality of sub-categories of one of the plurality of categories **located in** one of the plurality of geographic areas." The Examiner stated that because "Appellant did not narrow down the definition of categories and sub-categories" that the category sub-strings can indicate geographic areas. (Examiner's Answer, page 7.) Appellant respectfully disagrees that the category sub-strings can indicate geographic areas.

The claims distinguish a sub-string that indicates a geographic area from a sub-string that indicates a category, a sub-category, or a point of interest. The two category sub-strings identify the type of point of interest, while the geographic area sub-string identifies the location of the point of interest. By equating a geographic area sub-string to both a category sub-string and a sub-category sub-string, the Examiner vitiates two elements of the claims. Using the Examiner's

interpretation, the claims only recite two sub-strings: a first sub-string that indicates a geographic area and a second sub-string that uniquely indicates a point of interest located in the geographic area.

The Examiner cites to MPEP § 2111 for support of this interpretation. (Examiner's Answer, page 7.) However, MPEP § 2111 requires that the interpretation be consistent with the specification. "During patent examination, the pending claims must be 'given their broadest reasonable interpretation consistent with the specification.'" MPEP § 2111.

Appellant's Specification describes a location code that contains both location and category information for a point of interest. (See, e.g., Appellant's Specification, page 5, paragraph 27.) Appellant's Figure 3 provides an example of a location code that indicates the location of Washington, DC, the category of restaurants, the sub-category of French restaurants, and the point of interest of Marcel, which is a French restaurant located in Washington, DC. Appellant's Figure 3 is reproduced below. Appellant's Specification also describes that a user

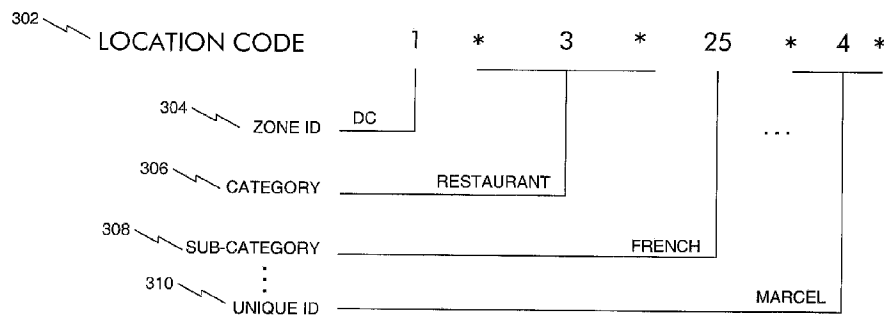


FIG. 3

can use the category sub-strings to find all point of interests in a category (e.g., all French restaurants in Washington, DC). (See, e.g., Appellant's Specification, page 8, paragraph 43.) Thus, an interpretation that the category sub-string and the sub-category sub-string indicate a geographic area is inconsistent with Appellant's Specification.

In response to Appellant's argument that Hancock does not suggest using category and sub-category sub-strings in a location code, the Examiner states that Hancock's Figures 8-10 provide several pages of examples of a single location code. (Examiner's Answer, page 7.) However, this statement misses the point. Each of the location codes found in Hancock's Figures 8 and 9 indicate only geographic areas, while each of the location codes found in Hancock's Figure 10 indicate geographic areas and point of interests. None of these codes includes point of interest category information.

2. The Examiner Erred in Rejecting Claims 26 and 31 as Being Anticipated by Hancock

In the Appeal Brief, Appellant argued that Hancock does not disclose a location code that includes a fifth sub-string that indicates a specific travel-club approval. (Appeal Brief, page 12.) On June 12, 2008, the Examiner proposed an examiner amendment indicating that the claims would be allowable if the independent claims were amended to include the element of a fifth sub-string that indicates a specific travel-club approval. Now, the Examiner argues that "directory assistance" can be considered as "a travel club approval since travel clubs routinely provide members with a directory of their member locations." (Examiner's Answer, page 7.)

The Examiner did not provide any support for this statement. How does the Examiner know travel clubs routinely provide members with a directory of their member locations? Even with support for this statement, the Examiner has not demonstrated how providing a travel club member with a directory of member locations indicates a specific travel-club approval.

Moreover, the Examiner cites to a paragraph of Hancock that describes menu items that a user can select.

For example, the menu 1704 comprises category selections such as: restaurants; banks; ATM machines; hotels; copy centers; libraries; museums; gas stations; weather reports; car dealers; auto repair shops; maps; directory assistance; police stations; hospitals and the like. In this fashion, for example, the user can find nearby restaurants by first selecting the corresponding category of interest, as shown in block 1704.

(Hancock, col. 29, lines 19-26 (emphasis added).) A user of Appellant's location code does not need to make category selections using a menu as the claimed location code includes a category sub-string and a sub-category sub-string as described above.

VIII. Conclusion

For the foregoing reasons, together with those set forth in Appellant's Appeal Brief, Appellant respectfully submits that the rejections are in error, and requests reversal of the rejections and allowance of all pending claims in this application.

Respectfully submitted,

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